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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 APRIL WAGNER,

11 Plaintiff,

12 v.

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14 NANCY A. BERRYHILL,
15 Acting Commissioner of Social
16 Security,

17 Defendant.

No. 1:17-CV-03064-RHW

**ORDER GRANTING STIPULATED
MOTION FOR REMAND**

18 Before the Court is a Stipulated Motion for Remand and jointly move the
19 Court to remand for further administrative proceedings. ECF No. 16. Based on the
20 agreement of the parties and the record, the Court finds good cause to grant the
21 motion.

22 The Commissioner's decision to deny Plaintiff's application for
23 Supplemental Security Income under Title XVI of the Social Security Act is
24 **REVERSED** and **REMANDED** for further proceedings pursuant to sentence four
25 of 42 U.S.C. § 405(g). If the Administrative Law Judge ("ALJ") does not issue a
26 fully favorable ruling after remand, the ALJ will provide Ms. Wagner a de novo
27 hearing. Upon remand, the administrative law judge shall: (1) re-assess whether
28 Ms. Wagner meets Listing 12.05(C) at step three; (2) re-weigh the opinion of Dr.

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1 Billings; and (3) re-evaluate Ms. Wagner's residual functional capacity and
2 proceed with steps four and five, obtaining vocational evidence, as necessary.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

5 2. The Commissioner's decision is **REVERSED** and this matter is
6 **REMANDED** for further administrative proceedings consistent with this order.

7 3. All pending motions in this matter are now moot.

8 4. Reasonable attorney fees shall be awarded under the Equal Access to
9 Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

10 5. The District Court Executive shall enter judgment for the Plaintiff and
11 against Defendant.

12 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
13 Order, forward copies to counsel, and **close the file**.

14 **DATED** this 6th day of November, 2017.

15
16 *s/Robert H. Whaley*
17 **ROBERT H. WHALEY**
18 Senior United States District Judge
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